

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on April 17, 2007 at 7:00 p.m. after a 6:15 p.m. caucus session, where possible city logos were presented by Mr. Craig Simon of Craig Martin Simon Design, and pending agenda items were discussed.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Information Technology Director Brian Johanpeter, Water Treatment Plant Supervisor Jim Lang, Community Development Coordinator Kyle Gill, Fire Chief Michael Chism, Assistant Fire Chief Andy Adair, Police Chief Larry Metzelaars, and City Clerk Susan O'Brien.

The City of Mattoon, Illinois held a public hearing on April 17, 2007 in the City Hall Council Chambers to consider the tentative budget for the fiscal year beginning May 1, 2007 through April 30, 2008. Mayor White opened the hearing at 7:01 p.m. and directed City Attorney/Treasurer Owen to conduct the hearing. Attorney/Treasurer Owen stated the hearing would consist of highlighting the different funds, opening the floor for Council comments, and opening the floor to the public. Attorney/Treasurer Owen reviewed the hiring of Firefighters and Police Officers, balanced budget except for the Capital Improvement Fund, General Fund, Motor Fuel Tax Fund, Hotel/Motel Tax Fund, HOME Rehab Grant Fund, Midtown TIF Fund, Capital Improvement Fund, Water/Sewer Funds, Dodge Grove Cemetery Fund, Information Technology expenditures, and Health Insurance Fund costs and review of last few years. Council members discussed the budget, including reviewing the proposed ambulance purchase. Attorney/Treasurer Owen opened the floor for public discussion. Mr. Dave Krchak of Thomas, Mamer & Haughey, LLP, representing Greg Jerdan of Mitchell-Jerdan Funeral Home, expressed the concerns of Mr. Jerdan with the City purchasing an ambulance; a request for Mitchell-Jerdan to have a representative on a review committee, and the funds could be better spent on other areas of the City. Fireman Anthony Nichols replied the ambulance would replace the rescue truck with everyday use. Attorney/Treasurer Owen closed the public hearing at 7:51 p.m.

Commissioner Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2007-1208, adopting the budget for the fiscal year that begins May 1, 2007 and ends April 30, 2008.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1208

AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL YEAR THAT BEGINS MAY 1, 2007 AND ENDS APRIL 30, 2008 FOR THE CITY OF MATTOON

WHEREAS, Sections § 35.50 through § 35.59 of the Mattoon Code of Ordinances approved by the City Council on February 19, 2002 adopted enabling state statutes for an annual budget in lieu of an appropriation ordinance; and

WHEREAS, the proposed budget was filed with the City Clerk and available for public inspection on April 2, 2007 and

WHEREAS, notice of a public hearing to consider review comments on the proposed budget was published in the *Mattoon Journal Gazette*; and

WHEREAS, a public hearing was held on April 17, 2007 at which hearing any taxpayer was given an opportunity to appear and be heard in favor of or against any of the proposed revenues and expenditures assumed in the tentative budget; and

WHEREAS, the process and procedures for the annual budget have been completed in accordance with provisions of Illinois Statutes 65 ILCS 5/8-2-9.1 through 65 ILCS 5/8-2-9.10 and Ordinance 2002-5101.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Estimates of revenues and expenditures shown in the attached budget, as amended, are hereby adopted as the budget for the City of Mattoon’s for the fiscal year that begins May 1, 2007 and ends April 30, 2008.

Section 2. The budget as it has been adopted is attached and incorporated herein by reference.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner Schilling, adopted this 17th day of 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O’Brien
Susan J. O’Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality’s Records on April 18th, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting April 3, 2007; Police department report for the month of March; Fire Department Reports for the months of February and March; Treasurer’s Reports for the month of March; payroll and bills for the first half of April 2007; and HOME Rehab Expenditures.

Bills and payroll for the first half of April, 2007

General Fund

Payroll	\$	247,210.49
Bills	\$	<u>154,705.50</u>
Total	\$	401,915.99

Hotel Tax Fund

Payroll		\$	1,386.54
Bills		\$	<u>8,055.32</u>
	Total	\$	9,441.86
	<u>Festival Management</u>		
Bills		\$	<u>78.00</u>
	Total	\$	78.00
	<u>Midtown TIF Fund</u>		
Bills		\$	<u>295.00</u>
	Total	\$	295.00
	<u>Capital Project Fund</u>		
Bills		\$	<u>12,075.73</u>
	Total	\$	12,075.03
	<u>Insurance & Tort Judgment</u>		
Bills		\$	<u>25,439.01</u>
	Total	\$	25,439.01
	<u>Water Fund</u>		
Payroll		\$	25,751.03
Bills		\$	<u>63,705.55</u>
	Total	\$	89,456.58
	<u>Sewer Fund</u>		
Payroll		\$	33,851.71
Bills		\$	<u>47,884.82</u>
	Total	\$	81,736.53
	<u>Cemetery Fund</u>		
Payroll		\$	3,433.97
Bills		\$	<u>712.77</u>
	Total	\$	4,146.74
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>180.00</u>
	Total	\$	180.00
	<u>Revolving Loan Fund</u>		
Bills		\$	<u>495.00</u>
	Total	\$	495.00
	<u>Health Insurance</u>		
Bills		\$	<u>63,443.28</u>
	Total	\$	63,443.28

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commission McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Ms. Joyce St. Michaels thanked the Council for the Lawson Park tennis courts. There were no additional public comments.

NEW BUSINESS

Mayor White seconded by Commissioner Cline moved to adopt Resolution 2007-2685, prescribing contributions required of Employees and Retirees who elect to participate in the group health, dental, and life insurance plan of the municipality.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2007-2685**

A RESOLUTION ESTABLISHING CONTRIBUTIONS REQUIRED OF EMPLOYEES AND RETIREES WHO ELECT TO PARTICIPATE IN THE CITY OF MATTOON'S GROUP HEALTH, DENTAL AND LIFE INSURANCE PLANS

WHEREAS, the City of Mattoon is subject to three collective bargaining agreements which prescribe that employees shall pay 15% of the cost of the health insurance plan by payroll deduction beginning with the first paycheck of May after the cost for the preceding calendar year are disclosed by the Employer's health insurance administrator; and

WHEREAS, actual costs for stop loss insurance, fees, medical, prescription and dental claim expenditures for calendar year 2006 were \$385.47 per month for single coverage and \$619.45 per month for family coverage, as reported by PersonalCare of Illinois and Delta Dental of Illinois, the Employer's health and dental insurance plan administrators; and

WHEREAS, State statutes do not presently require a municipality to pay any portion of the cost of post employment benefits for retired employees; and

WHEREAS, the City began to require retired employees, whose pensions are more than \$1,625 per month, to contribute a higher share of the cost of the health insurance plan by Resolution 2004-2548 adopted April 6, 2004; and

WHEREAS, bids were sought for group life insurance and coverage was bound with the low bidder, EMC National Life Company for a three-year term effective May 1, 2005 by Council Decision Request 2005-428 approved the same date of this resolution; and

WHEREAS, the time is now appropriate to prescribe contributions required of employees and retirees for the health and life insurance plans for the 2006/2007 fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The following tables prescribe contributions required of eligible employees and retirees who elect to participate in the City of Mattoon's group health insurance plan.

Eligible Employees & Retirees Whose Pensions Are \$1,625 Or Less Per Month

	Total Monthly Cost	Employer Share 85%	Employee Share 15%
Single Coverage	\$ 385.47	\$ 327.65	\$ 57.82
Family Coverage	\$ 619.45	\$ 526.53	\$ 92.92

Eligible Retirees Whose Pensions Are More Than \$1,625 Per Month

	Total Monthly Cost	Employer Share 75%	Retiree Share 25%
Single Coverage	\$ 385.47	\$ 289.10	\$ 96.37
Family Coverage	\$ 619.45	\$ 464.59	\$ 154.86

Section 2. Retirees, who are currently enrolled, may participate in the City of Mattoon's group term life insurance plan by monthly withholdings from pensions, whether paid by the Illinois Municipal Retirement Fund, the Firefighters Pension Fund or the Police Pension Fund. The retiree contribution for life insurance shall be \$6.70 per month for retirees under 70. For retirees age 70 or over, the retiree contribution for life insurance shall be \$3.35 per month.

Section 3. Employee and retiree contributions adopted by this resolution shall become effective May 1, 2007.

Section 4. All contributions for payment of health and life insurance shall be deducted directly on a monthly basis from the pension benefits received by the retiree. The only exception to the direct deduction rule shall be when the IMRF rules and regulations do not allow for said direct deduction.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 17th day of April, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 18, 2007.

Mayor White opened the floor for discussion. Attorney/Treasurer Owen reviewed the allocation of costs, union contracts, increase of retirees' costs to reduce overall health insurance costs, search for alternative coverage for retirees, and newly-hired City employees' full cost of health insurance upon retirement. Commissioner Schilling, Attorney/Treasurer Owen, and Administrator Gilmore discussed the retirees' health insurance usage and alternative coverage.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner McKenzie moved to adopt Resolution 2007- 2686, giving notice to the Illinois Department of Transportation of the 4th of July parade to be sponsored by the City of Mattoon.

RESOLUTION NO. 2007-2686

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code Authorizes the Illinois Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **9:00 AM** and **10:30 AM** on **July 4, 2007**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **July 4th Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which

is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED that the **City of Mattoon** hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$100,000 per person and \$500,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Illinois Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED this 17th day of April, **2007**. A.D.

APPROVED this 17th day of April, **2007** A.D.

/s/ Charles E. White
MAYOR

ATTEST:

/s/ Susan J. O'Brien
MUNICIPAL CLERK

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to adopt Resolution 2007-2687, giving notice to the Illinois Department of Transportation of the Bagelfest parade to be sponsored by the City of Mattoon.

RESOLUTION NO. 2007-2687

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code Authorizes the Illinois Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **10:30 AM** and **11:30 AM** on **July 21, 2007**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **Bagelfest Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED that the **City of Mattoon** hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$100,000 per person and \$500,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Illinois Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED this 17th day of April, **2007**. A.D.

APPROVED this 17th day of April, **2007** A.D.

/s/ Charles E. White
MAYOR

ATTEST:

/s/ Susan J. O'Brien
MUNICIPAL CLERK

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Special Ordinance 2007-1209, adopting amendment to add territory to the Enterprise Zone boundaries.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1209

ORDINANCE AMENDMENT TO ADD TERRITORY TO ENTERPRISE ZONE

WHEREAS, on December 14, 1989, the City of Mattoon, Illinois (hereinafter "City"), passed and adopted an Ordinance entitled: "AN ORDINANCE ESTABLISHING THE COLES TOGETHER ENTERPRISE ZONE WITHIN THE CITY OF MATTOON, ILLINOIS" (hereinafter "Ordinance"); which Ordinance has been amended from time to time, and

WHEREAS, the City desires to amend the Ordinance to add thereto and include therein certain additional territory;

NOW THEREFORE be it ordained by the City Council of the City of Mattoon, Illinois as follows:

Section I: That said Ordinance is hereby amended by adding to the end of the "Mattoon Legal Descriptions" Section of Exhibit A of said Ordinance the following:

Also:

Commencing at a point where the South Right of Way of Dewitt Avenue (State Highway 121) intersects the East Right of Way of Waltrip Road in the West one-half of the Northwest Quarter (NW Northwest Quarter (NE ¼) of Section Fifteen (15), Township Twelve (12) North, Range Seven (7) East of the third principal Meridian; thence North 31 degrees 0 minutes 0 seconds East a distance of three feet; thence Northwesterly along a line three feet north of the South Right of Way of State Highway 121 a distance of 3259 feet, more or less to a point 3 feet West of the centerline of Section Nine (9), Township Twelve (12) North, Range Seven (7) East of the third principal Meridian; thence South 31 Degrees 0 Minutes 0 Seconds West a distance of 52 feet to the South Right of Way of the Illinois Central Railroad; thence Northwesterly along the South Right of Way of the Illinois Central Railroad a distance of 5953 feet to the Centerline County Road 900N located in Section Eight (8) Township Twelve (12) North, Range Seven (7) East of the third principal Meridian; thence Westerly along the centerline of County Road 900N a distance of 1791 feet to the Centerline of County Road 130E; thence 180 Degrees South along the Centerline of Way of County Road 130E a distance of 1278 feet; Thence 90 Degrees East a distance of 63 feet to a point that is 43 feet East of the East Road Right of Way of County Road 130E; thence 180 Degrees South on a line parallel to the centerline of County Road 130E a distance of 3961 feet to the Centerline of County Road 800 North; thence Easterly along the centerline of County Road 800N a distance of 5188 feet to the West line of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW1/4) of Section Nine (9), Township Twelve (12) North, Range Seven (7) East of the third principal Meridian; thence 0 Degrees North along the West line of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW1/4) of Section 9, Township Twelve (12) North, Range Seven (7) East of the third principal Meridian a distance of 1148 feet to the Northwest Corner of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW1/4) of Section Nine (9), Township Twelve (12) North, Range Seven (7) East of the third principal Meridian; thence 90 Degrees East along the North line of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW1/4) of Section Nine (9), Township Twelve (12) North, Range Seven (7) East of the third principal Meridian a distance of 1314 feet to the East line of the West one-half (W ½) of said Section Nine (9); thence North along the East line of the West one-half (W ½) of said Section Nine (9) a distance of 587 feet to the South Right of Way of State Highway 121; thence Southeasterly along the South Right of Way of State Highway 121

a distance of 3256 feet to the point of beginning.

Section 2. That except as amended hereby, the provisions of said Ordinance as described in the first paragraph of this amended Ordinance shall be and remain in full force and effect and shall apply to the premises herein described.

Section 3: That the Mayor of the City of Mattoon, Illinois shall have and is hereby given authority to execute an Enterprise Zone Amended Intergovernmental Agreement between the Cities of Charleston, Mattoon and Oakland, Illinois and the County of Coles to add thereto and include therein the real estate described herein, which Agreement is attached hereto, marked Exhibit B and made a part hereof.

This Ordinance is passed, presented and adopted at a regular meeting of the City Council of the City of Mattoon, Illinois by an aye and nay roll call vote with 5 voting aye, 0 voting nay, 0 absent; and 0 passing, which meeting was held on the 17th day of April, 2007.

Approved: /s/ Charles E. White, Mayor

Attest: /s/ Susan J. O'Brien, City Clerk

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1210, authorizing the rezoning of 2800 – 2820 Pine Avenue from R1 (Single-Family Residential) to R-2 (Single and Two-Family Residential). Catherine Shirley – Petitioner.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1210

AN ORDINANCE REZONING 2800-2820 PINE AVE. FROM R1, SINGLE FAMILY RESIDENTIAL TO R2, ONE AND TWO FAMILY RESIDENTIAL

WHEREAS there has been filed a written Petition by Catherine Shirley, respectfully requesting the change in zoning from R1, Single Family Residential to R2, One and Two Family Residential on the property legally described as:

Lots 7, 8, 9, 10, 11 and 12, Block 103 of Noyes Addition to the City of Mattoon,
situated in the County of Coles and State of Illinois.
Commonly known as 2800-2820 Pine Avenue

WHEREAS the current zoning of the property is R1, Single Family Residential, and the rezoning request is in keeping with the zoning of the area north of the alley and will be beneficial to the petitioner for redeveloping the property; and

WHEREAS the Board of Zoning Appeals held a properly noticed public hearing on April 3rd, 2007 regarding petitioner's request for said rezoning; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested rezoning be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the rezoning on the premises described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is rezoned from R1, Single Family Residential to R2, One and Two Family Residential.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

part of this Ordinance.

Section 2. A variance is hereby granted from requirements of the sign code as authorized by Section §160.13 of Chapter 160 of the Code of Ordinances of the City of Mattoon for real estate described as 104 Dettro Drive., a.k.a. Mattoon Marketplace, to allow the construction of a freestanding sign on the property with a surface area of approximately 260 square feet.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 17th day of April, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
 Commissioner McKenzie, Commissioner Schilling,
 Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien /s/ J. Preston Owen
Susan O'Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 18, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Ordinance 2007-5229, approving the Tax Increment Redevelopment Plan and Project for the South Route 45 Redevelopment Project Area.

ORDINANCE NO. 2007-5229

ORDINANCE APPROVING THE TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT FOR THE SOUTH ROUTE 45 REDEVELOPMENT PROJECT AREA

WHEREAS, the City of Mattoon, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended, hereinafter referred to as the "Act" for the proposed Redevelopment Plan and Redevelopment Project within the municipal boundaries of the City of Mattoon and within the South Route 45 Redevelopment Project Area (Area) as described in Exhibit A attached to this Ordinance, which constitutes in the aggregate more than 1-1/2 acres.

WHEREAS, due notice in respect to the availability of the Redevelopment Plan, which contains an eligibility report, was given by mail on February 8, 2007 pursuant to Section 11-74.4-5 of the Act, said notice being given to all interested parties that have registered with the City concerning the proposed South Route 45 Redevelopment Project Area.

WHEREAS, due notice in respect to the availability of the Redevelopment Plan, which contains an eligibility report, was given by mail on February 8, 2007 pursuant to Section 11-74.4-5 of the Act, said notice being given to all residential addresses that, after a

good faith effort, the City determined are located within 750 feet of the boundaries of the South Route 45 Redevelopment Project Area.

WHEREAS, pursuant to Section 11-74.4-5 of the Act, the City Council caused a public hearing to be held relative to the Redevelopment Plan and Redevelopment Project and the proposed designation of the South Route 45 Redevelopment Project Area on April 3, 2007 at the Mattoon City Hall.

WHEREAS, due notice in respect to such hearing was given pursuant to Section 11-74.4-5 and 6 of the Act, said notice being given to taxing districts and to the State of Illinois by certified mail on February 7, 2007; by publication on March 5, 2007 and March 21, 2007, and by certified mail to property owners within the Area on March 21, 2007.

WHEREAS, the Redevelopment Plan and Project set forth the factors constituting the need for abatement of conditions in the proposed redevelopment project area that have led to blight or may lead to blight, and the City Council have reviewed testimony concerning such need presented at the public hearing and has reviewed the eligibility report and is generally informed of the conditions that qualify the Area as an South Route 45 Redevelopment Project Area as the term "South Route 45 Redevelopment Project Area" is defined in the Act.

WHEREAS, the City Council has reviewed the conditions pertaining to lack of private investment in the South Route 45 Redevelopment Project Area to determine whether private development would take place in the proposed Area as a whole without the adoption of the proposed Tax Increment Redevelopment Plan and Project for said Area.

WHEREAS, the City Council has reviewed the conditions pertaining to real property in the South Route 45 Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in South Route 45 Redevelopment Project Area would be substantially benefited by the proposed redevelopment project improvements.

WHEREAS, the City Council has reviewed its proposed Tax Increment Redevelopment Plan and Project and Comprehensive Plan, as amended, for the development of the municipality as a whole to determine whether the proposed Redevelopment Plan and Project conform to the Comprehensive Plan of the City:

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, that:

1. The City Council of the City of Mattoon hereby makes the following findings:

- a. The area constituting the South Route 45 Redevelopment Project Area in the City of Mattoon, Illinois is described in Exhibit A, attached hereto and made part of this Ordinance.
- b. There exist conditions that cause the area to be designated as a Redevelopment Project Area to be classified as a combination "conservation area" and "blighted area" as defined in Section 11-74.4-3 of the Act.
- c. The South Route 45 Redevelopment Project Area, on the whole, has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Redevelopment Plan.
- d. The Redevelopment Plan and Redevelopment Project for the South Route 45 Redevelopment Project Area conforms to the Comprehensive Plan, as amended, for the development of the municipality as a whole.
- e. The parcels of real property in the proposed Redevelopment Project Area are contiguous and only those contiguous parcels of real property, which will be substantially benefited by the proposed redevelopment project, are included in the South Route 45 Redevelopment Project Area.
- f. The estimated date for the completion of the Redevelopment Project or retirement of obligations issued shall not be later than December 31 of the year in which the payment to the City Treasurer as provided in subsection (b) of Section 11-74.4-8 of the Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted.

2. The Tax Increment Redevelopment Plan and Project for the South Route 45 Redevelopment Project Area, which were the subject matter of the hearing held on April 3, 2007, is hereby adopted and approved. A copy of the aforementioned Redevelopment Plan and Project, marked as Exhibit B is attached to and made a part of this Ordinance.

3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.
4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

APPROVED:
/s/ Charles E. White
Mayor

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

Exhibit A

LEGAL DESCRIPTION FOR SOUTH ROUTE 45 TIF DISTRICT MATTOON, ILLINOIS

A tract of land being a part of the Southwest Quarter of Section 36, Township 12 North, Range 7 East of the Third Principal Meridian; the Northwest Quarter and Southwest Quarter of Section 1, Township 11 North, Range 7 East of the Third Principal Meridian; the Northeast Quarter and Southeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian, and part of the Southeast Quarter of Section 35, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 87° 47' 27" East, 138.40 feet along the North line of Southwest Quarter of the Southwest Quarter of said Section 36 to the Northwest corner of a tract described in Warranty Deed on Document Number 681624 in the Coles County Recorder's Office; thence North 87° 47' 27" East, 447 feet more or less along the North line of said tract to a point being on the Northwestern Right-of-Way line of S.A. Route 19 Station 67+22.2, 33 feet left; thence Southeasterly 66.00 feet to the Southeastern Right-of-Way line of S.A. Route 19; thence along the Southeastern Right-of-Way line on a curve to the left in a Southwestern direction, concave to the Southeast with a radius of 227.44 feet to a point of tangency; thence South along the Eastern Right-of-Way line of S.A. Route 19, 869.23 feet to a point of curvature at S.A. Route 19 Station 55+72.93, 33 feet right; thence along the Southeastern Right-of-Way line on a curve to the right in a Southwesterly direction, concave to the Northwest with a radius of 263.00 feet to a point of intersection with the Eastern Right-of-Way of S.B.I. Route 25 (US Route 45); thence Southerly along the Eastern Right-of-Way line of S.B.I. Route 25 (US Route 45) as monumented and occupied on the following described courses: Southerly to S.B.I. Route 25 Station 31+63.93, 200.00 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 31+63.93, 146.22 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 41+66, 125 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 57+49.91, 147 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 62+00, 120 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 68+55, 120 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 68+55, 117 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 70+63, 117 feet left; Easterly to S.B.I. Route 25 (U.S. Route 45) Station 70+63, 150 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 72+82.51, 150 feet left; thence Westerly to the Southeast corner of Lot 2 of Lakeland Development Phase I as recorded on Document Number 605697 on Plat Book 5 at Page 165, point being on the West Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence South 89° 39' 03" West, 196.07 feet along the South line of said Lot 2 to the East line of Laker Avenue; thence continue South 89° 39' 03" West, 60.00 feet to the West Right-of-Way line of Laker Avenue; thence North 00° 20' 57" West, 483.56 feet to the Northeast corner of Lot 4 of said Lakeland Development Phase I, point also being on the South Right-of-Way line of Laker Avenue; thence South 89° 39' 03" West, 462.5 feet along the South Right-of-Way line of Laker Avenue; thence North 00° 20' 57" West, 244.00 feet along the East line of Lot 12 and the Southern extension thereof to the Northeast corner of Lot 12 of said Lakeland Development Phase I; thence South 89° 39' 03" West, 105 feet along the North line of said Lot 12 to the Northwest corner of said Lot 12; thence South 00° 20' 57" East, 244.00 feet along the West line of said Lot 12 and Southern extension thereof to the South line of Laker Avenue; thence South 89° 39' 03" West, 340.50 feet along the South line of said Laker Avenue to the Northwest corner of Lot 11 of said Lakeland Development Phase I; thence South 00° 20' 57" East, 184.00 feet along the West line of Lot 11 to the Southwest corner of said Lot 11; thence South 89° 39' 03" West, 910.73 feet along the Westerly extension of the Southern line of Lots 4 through 11 of said Lakeland Development Phase I to an iron pin in the Southeasterly Right-of-Way line of F.A.I. Route 57; thence Northeasterly along the Southeastern Right-of-Way as monumented and occupied to F.A.I. Route 57 Station 490+00, 125 feet right; thence Northeasterly 500.4 feet along the said Southeastern Right-of-Way line to F.A.I. Station 495+00, 145.00 feet right; thence Northeasterly to the Northwestern Right-

of-Way line of F.A.I. Route 57 as monumented and occupied at Station 496+45, 156.50 left, point also being on the South line of the Northeast Quarter of said Section 2; thence West along the South line of the Northeast Quarter of said Section 2 to the West line of the East half of the Northeast Quarter of said Section 2; thence North along the West line of the East half of the Northeast Quarter of said Section 2 to the Southwest corner of a tract as described in a Trustee's Deed on Book 874 at Page 300 on Document Number 567599 in the Coles County Recorder's Office; thence Easterly, 310 feet along the South line of said tract on Document Number 567599 to the Southeast corner of said tract; thence Northerly 702.50 feet along the East line of said tract on Document Number 567599 to the Northeast corner of said tract; thence Westerly 10.00 feet along the North line of said tract on Document Number 567599 to the Southeast corner of a tract as described in a Deed labeled Trailer Park Property on Book 788 at Page 303 in the Coles County Recorder's Office; thence Northerly 660 feet along the East line of said Trailer Park Property to the North line of the Northeast Quarter of said Section 2; thence continue North 20 feet to the Northern Right-of-Way line of Lake Paradise Road; thence Easterly along the Northern Right-of-Way of said Lake Paradise Road to the Southwest corner of the L & K Motel Parcel as described in a Trustee's Deed as Tract II on Document Number 593383 in the Coles County Recorder's Office; thence along the boundary of said L & K Motel Parcel on the following described courses: North 00° 04' 13" West, 375.76 feet along the Western boundary line of L & K Motel Parcel to the Northwest corner of said parcel; thence South 89° 43' 50" East, 155.17 feet along the Northern boundary line of L & K Motel Parcel to the Northeast corner of said L & K Motel Parcel, point also being the Northwest corner of L & K Restaurant Parcel as described as Tract I on Document Number 593383 in the Coles County Recorder's Office; thence South 89° 43' 50" East, 145.78 feet more or less to a point on the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence Northerly 950.13 feet more or less to S.B.I. Route 25 (U.S. Route 45) Station 14+85, 100 feet right; thence Easterly to the Point of Beginning, encompassing 139.7 acres, more or less, containing 53.5 acres, more or less, of Right-of-Way area. Net area of TIF district which excludes existing Right-of-Way is 86.2 acres, more or less.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2007-5230, designating the South Route 45 Redevelopment Project Area.

ORDINANCE NO. 2007-5230

ORDINANCE DESIGNATING THE SOUTH ROUTE 45 REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council has heretofore in Ordinance No. 2007-5229 adopted and approved the Tax Increment Redevelopment Plan and Project for the proposed South Route 45 Redevelopment Project Area with respect to which a public hearing was held on April 3, 2007 and it is now necessary and desirable to designate the area referred to in said plan as the South Route 45 Redevelopment Project Area;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, that the area described the attached Exhibit A is hereby designated as the South Route 45 Redevelopment Project Area pursuant to Section 11-74.4.4 of the Tax Increment Allocation Redevelopment Act:

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall be in full force and effect from and after its approval, passage, and publication as required by law.

APPROVED:

/s/ Charles E. White

Charles E. White, Mayor

ATTEST:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

Exhibit A

**LEGAL DESCRIPTION
FOR
SOUTH ROUTE 45 TIF DISTRICT
MATTOON, ILLINOIS**

A tract of land being a part of the Southwest Quarter of Section 36, Township 12 North, Range 7 East of the Third Principal Meridian; the Northwest Quarter and Southwest Quarter of Section 1, Township 11 North, Range 7 East of the Third Principal Meridian; the Northeast Quarter and Southeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian, and part of the Southeast Quarter of Section 35, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 87° 47' 27" East, 138.40 feet along the North line of Southwest Quarter of the Southwest Quarter of said Section 36 to the Northwest corner of a tract described in Warranty Deed on Document Number 681624 in the Coles County Recorder's Office; thence North 87° 47' 27" East, 447 feet more or less along the North line of said tract to a point being on the Northwestern Right-of-Way line of S.A. Route 19 Station 67+22.2, 33 feet left; thence Southeasterly 66.00 feet to the Southeastern Right-of-Way line of S.A. Route 19; thence along the Southeastern Right-of-Way line on a curve to the left in a Southwestern direction, concave to the Southeast with a radius of 227.44 feet to a point of tangency; thence South along the Eastern Right-of-Way line of S.A. Route 19, 869.23 feet to a point of curvature at S.A. Route 19 Station 55+72.93, 33 feet right; thence along the Southeastern Right-of-Way line on a curve to the right in a Southwesterly direction, concave to the Northwest with a radius of 263.00 feet to a point of intersection with the Eastern Right-of-Way of S.B.I. Route 25 (US Route 45); thence Southerly along the Eastern Right-of-Way line of S.B.I. Route 25 (US Route 45) as monumented and occupied on the following described courses: Southerly to S.B.I. Route 25 Station 31+63.93, 200.00 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 31+63.93, 146.22 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 41+66, 125 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 57+49.91, 147 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 62+00, 120 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 68+55, 120 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 68+55, 117 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 70+63, 117 feet left; Easterly to S.B.I. Route 25 (U.S. Route 45) Station 70+63, 150 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 72+82.51, 150 feet left; thence Westerly to the Southeast corner of Lot 2 of Lakeland Development Phase I as recorded on Document Number 605697 on Plat Book 5 at Page 165, point being on the West Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence South 89° 39' 03" West, 196.07 feet along the South line of said Lot 2 to the East line of Laker Avenue; thence continue South 89° 39' 03" West, 60.00 feet to the West Right-of-Way line of Laker Avenue; thence North 00° 20' 57" West, 483.56 feet to the Northeast corner of Lot 4 of said Lakeland Development Phase I, point also being on the South Right-of-Way line of Laker Avenue; thence South 89° 39' 03" West, 462.5 feet along the South Right-of-Way line of Laker Avenue; thence North 00° 20' 57" West, 244.00 feet along the East line of Lot 12 and the Southern extension thereof to the Northeast corner of Lot 12 of said Lakeland Development Phase I; thence South 89° 39' 03" West, 105 feet along the North line of said Lot 12 to the Northwest corner of said Lot 12; thence South 00° 20' 57" East, 244.00 feet along the West line of said Lot 12 and Southern extension thereof to the South line of Laker Avenue; thence South 89° 39' 03" West, 340.50 feet along the South line of said Laker Avenue to the Northwest corner of Lot 11 of said Lakeland Development Phase I; thence South 00° 20' 57" East, 184.00 feet along the West line of Lot 11 to the Southwest corner of said Lot 11; thence South 89° 39' 03" West, 910.73 feet along the Westerly extension of the Southern line of Lots 4 through 11 of said Lakeland Development Phase I to an iron pin in the Southeasterly Right-of-Way line of F.A.I. Route 57; thence Northeasterly along the Southeastern Right-of-Way as monumented and occupied to F.A.I. Route 57 Station 490+00, 125 feet right; thence Northeasterly 500.4 feet along the said Southeastern Right-of-Way line to F.A.I. Station 495+00, 145.00 feet right; thence Northeasterly to the Northwestern Right-of-Way line of F.A.I. Route 57 as monumented and occupied at Station 496+45, 156.50 feet left, point also being on the South line of the Northeast Quarter of said Section 2; thence West along the South line of the Northeast Quarter of said Section 2 to the West line of the East half of the Northeast Quarter of said Section 2; thence North along the West line of the East half of the Northeast Quarter of said Section 2 to the Southwest corner of a tract as described in a Trustee's Deed on Book 874 at Page 300 on Document Number 567599 in the Coles County Recorder's Office; thence Easterly, 310 feet along the South line of said tract on Document Number 567599 to the Southeast corner of said tract; thence Northerly 702.50 feet along the East line of said tract on Document Number 567599 to the Northeast corner of said tract; thence Westerly 10.00 feet along the North line of said tract on Document Number 567599 to the Southeast corner of a tract as described in a Deed labeled Trailer Park Property on Book 788 at Page 303 in the Coles County Recorder's Office; thence Northerly 660 feet along the East line of said Trailer Park Property to the North line of the Northeast Quarter of said Section 2; thence continue North 20 feet to the Northern Right-of-Way line of Lake Paradise Road; thence Easterly along the Northern Right-of-Way of said Lake Paradise Road to the Southwest corner of the L & K Motel Parcel as described in a Trustee's Deed as Tract II on Document Number 593383 in the Coles County Recorder's Office; thence along the boundary of said L & K Motel Parcel on the following described courses: North 00° 04' 13" West, 375.76 feet along the Western boundary line of L & K Motel Parcel to the Northwest corner of said parcel; thence South 89° 43' 50" East, 155.17 feet along the Northern boundary line of L & K Motel Parcel to the Northeast corner of said L & K Motel Parcel,

point also being the Northwest corner of L & K Restaurant Parcel as described as Tract I on Document Number 593383 in the Coles County Recorder's Office; thence South 89° 43' 50" East, 145.78 feet more or less to a point on the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence Northerly 950.13 feet more or less to S.B.I. Route 25 (U.S. Route 45) Station 14+85, 100 feet right; thence Easterly to the Point of Beginning, encompassing 139.7 acres, more or less, containing 53.5 acres, more or less, of Right-of-Way area. Net area of TIF district which excludes existing Right-of-Way is 86.2 acres, more or less.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Ordinance 2007-5231, adopting tax increment financing (TIF) for the South Route 45 TIF District.

ORDINANCE NO. 2007-5231

ADOPTING TAX INCREMENT FINANCING

WHEREAS, the City of Mattoon, Illinois desires to adopt tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended, hereinafter referred to as the "Act".

WHEREAS, the City of Mattoon has adopted a Tax Increment Redevelopment Plan and Project, designated the South Route 45 Redevelopment Project Area pursuant to the provisions of the Act, and has otherwise complied with all other conditions precedent required by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, that:

1. Tax increment financing is hereby adopted in respect to the Tax Increment Redevelopment Plan and Project for South Route 45 Redevelopment Project Area (Area) approved and adopted pursuant to Ordinance No. 2007-5229 of the City of Mattoon, which said Area was designated pursuant to Ordinance No. 2007-5230 and is described in the Exhibit A, attached hereto and made part of this Ordinance.

2. After the total equalized assessed valuation of taxable real property in South Route 45 Redevelopment Project Area exceeds the total initial equalized assessed value of all taxable real property in the South Route 45 Redevelopment Project Area, the ad valorem taxes, if any, arising from the levies upon real property in the South Route 45 Redevelopment Project Area by taxing districts and the rates determined in the manner provided in Section 11-74.4-9(b) of the Act each year after the effective date of this Ordinance until the South Route 45 Redevelopment Project Area costs and obligations issued in respect thereto have been paid shall be divided as follows:

a. That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the South Route 45 Redevelopment Project Area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

b. That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the South Route 45 Redevelopment Project Area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called "the Special Tax Allocation Fund for the South Route 45 Redevelopment Project Area" of the City of Mattoon for the purpose of paying South Route 45 Redevelopment Project Area costs and obligations incurred in the payment thereof, pursuant to such appropriations which may be subsequently made.

3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

4. This Ordinance shall be in full force and effect from and after its approval, passage, and publication as required by

law.

APPROVED:

/s/ Charles E. White

Charles E. White, Mayor

ATTEST:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

Exhibit A

**LEGAL DESCRIPTION
FOR
SOUTH ROUTE 45 TIF DISTRICT
MATTOON, ILLINOIS**

A tract of land being a part of the Southwest Quarter of Section 36, Township 12 North, Range 7 East of the Third Principal Meridian; the Northwest Quarter and Southwest Quarter of Section 1, Township 11 North, Range 7 East of the Third Principal Meridian; the Northeast Quarter and Southeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian, and part of the Southeast Quarter of Section 35, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 87° 47' 27" East, 138.40 feet along the North line of Southwest Quarter of the Southwest Quarter of said Section 36 to the Northwest corner of a tract described in Warranty Deed on Document Number 681624 in the Coles County Recorder's Office; thence North 87° 47' 27" East, 447 feet more or less along the North line of said tract to a point being on the Northwestern Right-of-Way line of S.A. Route 19 Station 67+22.2, 33 feet left; thence Southeasterly 66.00 feet to the Southeastern Right-of-Way line of S.A. Route 19; thence along the Southeastern Right-of-Way line on a curve to the left in a Southwestern direction, concave to the Southeast with a radius of 227.44 feet to a point of tangency; thence South along the Eastern Right-of-Way line of S.A. Route 19, 869.23 feet to a point of curvature at S.A. Route 19 Station 55+72.93, 33 feet right; thence along the Southeastern Right-of-Way line on a curve to the right in a Southwesterly direction, concave to the Northwest with a radius of 263.00 feet to a point of intersection with the Eastern Right-of-Way of S.B.I. Route 25 (US Route 45); thence Southerly along the Eastern Right-of-Way line of S.B.I. Route 25 (US Route 45) as monumented and occupied on the following described courses: Southerly to S.B.I. Route 25 Station 31+63.93, 200.00 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 31+63.93, 146.22 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 41+66, 125 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 57+49.91, 147 feet left; Southerly to S.B. I. Route 25 (U.S. Route 45) Station 62+00, 120 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 68+55, 120 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 68+55, 117 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 70+63, 117 feet left; Easterly to S.B.I. Route 25 (U.S. Route 45) Station 70+63, 150 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 72+82.51, 150 feet left; thence Westerly to the Southeast corner of Lot 2 of Lakeland Development Phase I as recorded on Document Number 605697 on Plat Book 5 at Page 165, point being on the West Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence South 89° 39' 03" West, 196.07 feet along the South line of said Lot 2 to the East line of Laker Avenue; thence continue South 89° 39' 03" West, 60.00 feet to the West Right-of-Way line of Laker Avenue; thence North 00° 20' 57" West, 483.56 feet to the Northeast corner of Lot 4 of said Lakeland Development Phase I, point also being on the South Right-of-Way line of Laker Avenue; thence South 89° 39' 03" West, 462.5 feet along the South Right-of-Way line of Laker Avenue; thence North 00° 20' 57" West, 244.00 feet along the East line of Lot 12 and the Southern extension thereof to the Northeast corner of Lot 12 of said Lakeland Development Phase I; thence South 89° 39' 03" West, 105 feet along the North line of said Lot 12 to the Northwest corner of said Lot 12; thence South 00° 20' 57" East, 244.00 feet along the West line of said Lot 12 and Southern extension thereof to the South line of Laker Avenue; thence South 89° 39' 03" West, 340.50 feet along the South line of said Laker Avenue to the Northwest corner of Lot 11 of said Lakeland Development Phase I; thence South 00° 20' 57" East, 184.00 feet along the West line of Lot 11 to the Southwest corner of said Lot 11; thence South 89° 39' 03" West, 910.73 feet along the Westerly extension of the Southern line of Lots 4 through 11 of said Lakeland Development Phase I to an iron pin in the Southeasterly Right-of-Way line of F.A.I. Route 57; thence Northeasterly along the Southeastern Right-of-Way as monumented and occupied to F.A.I. Route 57 Station 490+00, 125 feet right; thence Northeasterly 500.4 feet along the said Southeastern Right-of-Way line to F.A.I. Station 495+00, 145.00 feet right; thence Northeasterly to the Northwestern Right-of-Way line of F.A.I. Route 57 as monumented and occupied at Station 496+45, 156.50 left, point also being on the South line of

the Northeast Quarter of said Section 2; thence West along the South line of the Northeast Quarter of said Section 2 to the West line of the East half of the Northeast Quarter of said Section 2; thence North along the West line of the East half of the Northeast Quarter of said Section 2 to the Southwest corner of a tract as described in a Trustee's Deed on Book 874 at Page 300 on Document Number 567599 in the Coles County Recorder's Office; thence Easterly, 310 feet along the South line of said tract on Document Number 567599 to the Southeast corner of said tract; thence Northerly 702.50 feet along the East line of said tract on Document Number 567599 to the Northeast corner of said tract; thence Westerly 10.00 feet along the North line of said tract on Document Number 567599 to the Southeast corner of a tract as described in a Deed labeled Trailer Park Property on Book 788 at Page 303 in the Coles County Recorder's Office; thence Northerly 660 feet along the East line of said Trailer Park Property to the North line of the Northeast Quarter of said Section 2; thence continue North 20 feet to the Northern Right-of-Way line of Lake Paradise Road; thence Easterly along the Northern Right-of-Way of said Lake Paradise Road to the Southwest corner of the L & K Motel Parcel as described in a Trustee's Deed as Tract II on Document Number 593383 in the Coles County Recorder's Office; thence along the boundary of said L & K Motel Parcel on the following described courses: North 00° 04' 13" West, 375.76 feet along the Western boundary line of L & K Motel Parcel to the Northwest corner of said parcel; thence South 89° 43' 50" East, 155.17 feet along the Northern boundary line of L & K Motel Parcel to the Northeast corner of said L & K Motel Parcel, point also being the Northwest corner of L & K Restaurant Parcel as described as Tract I on Document Number 593383 in the Coles County Recorder's Office; thence South 89° 43' 50" East, 145.78 feet more or less to a point on the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence Northerly 950.13 feet more or less to S.B.I. Route 25 (U.S. Route 45) Station 14+85, 100 feet right; thence Easterly to the Point of Beginning, encompassing 139.7 acres, more or less, containing 53.5 acres, more or less, of Right-of-Way area. Net area of TIF district which excludes existing Right-of-Way is 86.2 acres, more or less.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Ordinance 2007-5232, establishing and designating the South Route 45 Business District and approving the South Route 45 Business District Plan within the City of Mattoon, Illinois

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2007-5232

AN ORDINANCE ESTABLISHING AND DESIGNATING THE SOUTH ROUTE 45 BUSINESS DISTRICT AND APPROVING THE SOUTH ROUTE 45 BUSINESS DISTRICT PLAN WITHIN THE CITY OF MATTOON, ILLINOIS

WHEREAS, the City of Mattoon, Coles County, Illinois (the "**Municipality**"), is authorized under and pursuant to Division 74.3 (Business District Development and Redevelopment) of Article 11 (Public Health, Safety and Welfare) of the Illinois Municipal Code, Section 5/11-74.3-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes (as supplemented and amended, the "**Business District Act**") to establish a business district to be named the "**South Route 45 Business District**" (the "**Business District**") and adopt and approve the related "**South Route 45 Business District Plan**" (the "**Business District Plan**"); and

WHEREAS, the Municipality is interested in assisting in the financing of certain public and private improvements, infrastructure and facilities (i.e., (i) site preparation and improvements including environmental remediation; (ii) public infrastructure and facilities and improvements, including streets, sidewalks, lighting and water, sewer, electrical and gas facilities; (iii) site utilities; (iv) building rehabilitation; (v) engineering, legal and finance services; and (vi) related facilities, improvements and costs, constituting, collectively, the "**Business District Project Costs**") within the Business District; and

WHEREAS, the Business District is compact and contiguous and is totally within the corporate limits of the Municipality, and it is in the public interest to establish the Business District as a business district under the Act for the purposes herein set forth; and

WHEREAS, the Municipality on February 6, 2007, adopted a Resolution Proposing the Establishment of the South Route 45 Business District and Adoption of a South Route 45 Business District Plan, and Setting Dates and Providing Notices for the Related Public Hearings (the "**Resolution**") which set the public hearings concerning the Business District for February 20, 2007 and April 3, 2007, (the "**Public Hearings**"), and approved the form of notice to be given for the Public Hearings (the "**Notice**"), with respect to which the Municipality on February 9, 2007 mailed Notice to the person or persons in whose name the general taxes for the last preceding year

were paid (“**Taxpayers**”) on each lot, block, tract or parcel of land lying within the proposed Business District, and the Notice on -----February 8, 2007 for the Public Hearings was published in the Mattoon Journal Gazette published in Mattoon, Illinois, and of general circulation within the Municipality, and the Public Hearings were duly held on February 20, 2007 and April 3, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Municipality hereby designates the real estate described in the attached Exhibit A, “Description of South Route 45 Business District of the City of Mattoon, Coles County, Illinois” as a business district under the Business District Act (65 ILCS 5/11-74.3-1 *et seq.*, as supplemented and amended), and as the Business district hereunder.

Section 2. Under the Business District Act the Municipality, hereby adopts and approves the South Route 45 Business District Plan for the South Route 45 Business District.

Section 3. The South Route 45 Business District Plan shall be in the form presented to the Municipality’s corporate authorities at the times (i) the Initial Ordinance was adopted and (ii) this ordinance is adopted. The South Route 45 Business District Plan as so adopted and approved shall be on file with the City Clerk’s records with this ordinance (but any failure to so file it shall not abrogate, diminish or impair its effect).

Section 4. Obligations payable from and/or secured by revenues derived from the Business District may be issued for financing Business District Project Costs.

Section 5. The City Clerk shall file a certified copy of this ordinance with the County Clerk of Coles County, Illinois.

Section 6. The Mayor, the City Clerk, the City Treasurer, the City Attorney and other officials, consultants, employees and attorneys of the Municipality are hereby authorized and directed on behalf of the Municipality to do such things as may be necessary or desirable to carry out the transactions contemplated by and to give full effect to this ordinance without further act or deed on the part of the Municipality’s corporate authorities.

Section 7. If any portion of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining portions of this resolution.

Section 8. Pursuant to Section 1-2-4 of the Illinois Municipal Code, this ordinance shall be in full force and effect immediately upon its passage and approval.

Upon motion by Mayor White seconded by Commissioner Cline adopted this 17th day of April, 2007 by roll call vote, as follows.

AYES (names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Commissioner Schilling,</u> <u>Mayor White.</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 17th day of April 2007.
(SEAL)

/s/ Charles E. White
Mayor, City of Mattoon, Coles County, Illinois

Attest:

/s/ Susan J. O’Brien
City Clerk, City of Mattoon
Coles County, Illinois

Recorded in the Municipality’s Records on April 18th, 2007.

EXHIBIT A

LEGAL DESCRIPTION FOR SOUTH ROUTE 45 BUSINESS DISTRICT MATTOON, ILLINOIS

A tract of land being a part of the Southwest Quarter of Section 36, Township 12 North, Range 7 East of the Third Principal Meridian; the Northwest Quarter and Southwest Quarter of Section 1, Township 11 North, Range 7 East of the Third Principal Meridian; the Northeast Quarter and Southeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian, and part of the Southeast Quarter of Section 35, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 87° 47' 27" East, 138.40 feet along the North line of Southwest Quarter of the Southwest Quarter of said Section 36 to the Northwest corner of a tract described in Warranty Deed on Document Number 681624 in the Coles County Recorder's Office; thence North 87° 47' 27" East, 447 feet more or less along the North line of said tract to a point being on the Northwestern Right-of-Way line of S.A. Route 19 Station 67+22.2, 33 feet left; thence Southeasterly 66.00 feet to the Southeastern Right-of-Way line of S.A. Route 19; thence along the Southeastern Right-of-Way line on a curve to the left in a Southwestern direction, concave to the Southeast with a radius of 227.44 feet to a point of tangency; thence South along the Eastern Right-of-Way line of S.A. Route 19, 869.23 feet to a point of curvature at S.A. Route 19 Station 55+72.93, 33 feet right; thence along the Southeastern Right-of-Way line on a curve to the right in a Southwesterly direction, concave to the Northwest with a radius of 263.00 feet to a point of intersection with the Eastern Right-of-Way of S.B.I. Route 25 (US Route 45); thence Southerly along the Eastern Right-of-Way line of S.B.I. Route 25 (US Route 45) as monumented and occupied on the following described courses: Southerly to S.B.I. Route 25 Station 31+63.93, 200.00 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 31+63.93, 146.22 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 37+08.79, 137.4 feet left more or less; thence Westerly to the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45) Station 37+08.79, 125 feet right, point being the Southeast corner of a tract as described in Warranty Deed on Document Number 605770 recorded in Coles County Recorder's Office; thence North 89° 43' 50" West, 477.16 feet along the South line of said tract described on Document Number 605770 to a point being the Northwest corner of a tract as described in Warranty Deed on Document Number 681889; thence Southerly along the Westerly boundary of said tract described on Document Number 681889 to the Northwesterly Right-of-Way line of F.A.I. Route 57 and relocated S.B.I. Route 25 (U.S. Route 45) interchange as monumented and occupied; thence Southwesterly 14.6 feet along said Right-of-Way to F.A.I. Route 57 Station 503+00, 680 feet left; thence Southerly 587.3 feet along said Right-of-Way to F.A.I. Route 57 Station 499+00, 250 feet left; thence Southwesterly 271.6 feet along said Right-of-Way to F.A.I. Route 57 Station 496+45, 156.50 feet left, point also being on the South line of the Northeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian; thence West along the South line of the Northeast Quarter of said Section 2 to the West line of the East half of the Northeast Quarter of said Section 2; thence North along the West line of the East half of the Northeast Quarter of said Section 2 to the Southwest corner of a tract as described in a Trustee's Deed on Book 874 at Page 300 on Document Number 567599 in the Coles County Recorder's Office; thence Easterly 310 feet along the South line of said tract on Document Number 567599 to the Southeast corner of said tract; thence Northerly 702.50 feet along the East line of said tract on Document Number 567599 to the Northeast corner of said tract; thence Westerly 10.00 feet along the North line of said tract on Document Number 567599 to the Southeast corner of a tract as described in a Deed labeled Trailer Park Property on Book 788 at Page 303 in the Coles County Recorder's Office; thence Northerly 660 feet along the East line of said Trailer Park Property to the North line of the Northeast Quarter of said Section 2; thence continue North 20 feet to the Northern Right-of-Way line of Lake Paradise Road; thence Easterly along the Northern Right-of-Way of said Lake Paradise Road to the Southeast corner of the L & K Motel Parcel as described in a Trustee's Deed as Tract II on Document Number 593383 in the Coles County Recorder's Office; thence along the Eastern boundary of said L & K Motel Parcel on the following described courses: North 00° 16' 10" East, 64.82 feet, more or less; North 34° 47' 42" East, 112.06 feet; North 01° 00' 27" West, 50.00 feet; South 88° 59' 33" West, 20.00 feet; North 01° 00' 27" West, 169.11 feet to the Northeast corner of said L & K Motel parcel, point also being the Northwest corner of L & K Restaurant Parcel as described as Tract I on Document Number 593383 in the Coles County Recorder's Office; thence South 89° 43' 50" East, 145.78 feet more or less to a point the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence Northerly 950.13 feet more or less to S.B.I. Route 25 (U.S. Route 45) Station 14+85, 100 feet right; thence Easterly to the Point of Beginning, encompassing 59.1 acres, more or less, containing 15.3 acres, more or less, of Right-of-Way area. Net area of business district which excludes existing Right-of-Way is 43.8 acres, more or less.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2007-5233, adopting a Municipal Retailers' Occupation Business District Tax, Business District Service Occupational Tax, and Business District Hotel Operators' Occupation Tax for the South Route 45 Business District.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2007-5233

AN ORDINANCE ADOPTING A MUNICIPAL RETAILERS' OCCUPATION BUSINESS DISTRICT TAX, BUSINESS DISTRICT SERVICE OCCUPATION TAX AND BUSINESS DISTRICT HOTEL OPERATORS' OCCUPATION TAX

WHEREAS, the City of Mattoon passed Ordinance No. 2007-5232 adopting the South Route 45 Business District Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Effective January 1, 2008, a tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail within the boundaries of the South Route 45 Business District at the rate of one percent (1.0%) of the gross receipts from such sales made in the course of such business while this ordinance is in effect; and a tax is hereby imposed upon all persons engaged within the boundaries of the South Route 45 Business District in the business of making sales of service, at the rate of one percent (1.0%) of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service; and a tax is hereby imposed upon all persons engaged within the boundaries of the South Route 45 Business District, as shown in Exhibit A, in the renting, leasing, or letting of hotel rooms at the rate of one percent (1.0%) of the gross rental receipts from such sales made in the course of renting, leasing, or letting hotel rooms while this ordinance is in effect. This "Business District Retailers' Occupation Tax: and this "Business District Service Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics. This "Business District Hotel Operators' Occupation Tax" shall not be applicable to gross rental receipts from the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

The imposition of these Business District Taxes is in accordance with the provisions of subsections (b), (c) and (d), respectively, of Section 11-74.3-6 of the Illinois Municipal Code (65 ILCS 5/11-74.3-6). Taxes should be imposed for not more than 23 years according to Illinois Law.

Section 2. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this ordinance.

Section 3. The Municipal Clerk is hereby directed to file a certified copy of this ordinance with the Illinois Department of Revenue.

Upon its passage and approval, this ordinance shall be in full force and affect ten (10) days after its publication and pamphlet form is required by law.

Upon motion by Mayor White seconded by Commissioner Schilling adopted this 17th day of April 2007 by roll call vote, as follows:

AYES (names): Commissioner Cline, Commissioner Ervin,
 Commissioner McKenzie, Commissioner Schilling,
 Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007.
(SEAL)

/s/ Charles E. White
Mayor, City of Mattoon, Coles County, Illinois

Attest:

/s/ Susan J. O'Brien

City Clerk, City of Mattoon

Coles County, Illinois

Recorded in the Municipality's Records on April 18th, 2007.

EXHIBIT A

LEGAL DESCRIPTION FOR SOUTH ROUTE 45 BUSINESS DISTRICT

MATTOON, ILLINOIS

A tract of land being a part of the Southwest Quarter of Section 36, Township 12 North, Range 7 East of the Third Principal Meridian; the Northwest Quarter and Southwest Quarter of Section 1, Township 11 North, Range 7 East of the Third Principal Meridian; the Northeast Quarter and Southeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian, and part of the Southeast Quarter of Section 35, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 87° 47' 27" East, 138.40 feet along the North line of Southwest Quarter of the Southwest Quarter of said Section 36 to the Northwest corner of a tract described in Warranty Deed on Document Number 681624 in the Coles County Recorder's Office; thence North 87° 47' 27" East, 447 feet more or less along the North line of said tract to a point being on the Northwestern Right-of-Way line of S.A. Route 19 Station 67+22.2, 33 feet left; thence Southeasterly 66.00 feet to the Southeastern Right-of-Way line of S.A. Route 19; thence along the Southeastern Right-of-Way line on a curve to the left in a Southwestern direction, concave to the Southeast with a radius of 227.44 feet to a point of tangency; thence South along the Eastern Right-of-Way line of S.A. Route 19, 869.23 feet to a point of curvature at S.A. Route 19 Station 55+72.93, 33 feet right; thence along the Southeastern Right-of-Way line on a curve to the right in a Southwesterly direction, concave to the Northwest with a radius of 263.00 feet to a point of intersection with the Eastern Right-of-Way of S.B.I. Route 25 (US Route 45); thence Southerly along the Eastern Right-of-Way line of S.B.I. Route 25 (US Route 45) as monumented and occupied on the following described courses: Southerly to S.B.I. Route 25 Station 31+63.93, 200.00 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 31+63.93, 146.22 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 37+08.79, 137.4 feet left more or less; thence Westerly to the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45) Station 37+08.79, 125 feet right, point being the Southeast corner of a tract as described in Warranty Deed on Document Number 605770 recorded in Coles County Recorder's Office; thence North 89° 43' 50" West, 477.16 feet along the South line of said tract described on Document Number 605770 to a point being the Northwest corner of a tract as described in Warranty Deed on Document Number 681889; thence Southerly along the Westerly boundary of said tract described on Document Number 681889 to the Northwesterly Right-of-Way line of F.A.I. Route 57 and relocated S.B.I. Route 25 (U.S. Route 45) interchange as monumented and occupied; thence Southwesterly 14.6 feet along said Right-of-Way to F.A.I. Route 57 Station 503+00, 680 feet left; thence Southerly 587.3 feet along said Right-of-Way to F.A.I. Route 57 Station 499+00, 250 feet left; thence Southwesterly 271.6 feet along said Right-of-Way to F.A.I. Route 57 Station 496+45, 156.50 feet left, point also being on the South line of the Northeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian; thence West along the South line of the Northeast Quarter of said Section 2 to the West line of the East half of the Northeast Quarter of said Section 2; thence North along the West line of the East half of the Northeast Quarter of said Section 2 to the Southwest corner of a tract as described in a Trustee's Deed on Book 874 at Page 300 on Document Number 567599 in the Coles County Recorder's Office; thence Easterly 310 feet along the South line of said tract on Document Number 567599 to the Southeast corner of said tract; thence Northerly 702.50 feet along the East line of said tract on Document Number 567599 to the Northeast corner of said tract; thence Westerly 10.00 feet along the North line of said tract on Document Number 567599 to the Southeast corner of a tract as described in a Deed labeled Trailer Park Property on Book 788 at Page 303 in the Coles County Recorder's Office; thence Northerly 660 feet along the East line of said Trailer Park Property to the North line of the Northeast Quarter of said Section 2; thence continue North 20 feet to the Northern Right-of-Way line of Lake Paradise Road; thence Easterly along the Northern Right-of-Way of said Lake Paradise Road to the Southeast corner of the L & K Motel Parcel as described in a Trustee's Deed as Tract II on Document Number 593383 in the Coles County Recorder's Office; thence along the Eastern boundary of said L & K Motel Parcel on the following described courses: North 00° 16' 10" East, 64.82 feet, more or less; North 34° 47' 42" East, 112.06 feet; North 01° 00' 27" West, 50.00 feet; South 88° 59' 33" West, 20.00 feet; North 01° 00' 27" West, 169.11 feet to the Northeast corner of said L & K Motel parcel, point also being the Northwest corner of L & K Restaurant Parcel as described as Tract I on Document Number 593383 in the Coles County Recorder's Office; thence South 89° 43' 50" East, 145.78 feet more or less to a point the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence Northerly 950.13 feet more or less to S.B.I. Route 25 (U.S. Route 45) Station 14+85, 100 feet right; thence Easterly to the Point of Beginning, encompassing 59.1 acres, more or less, containing 15.3 acres, more or less, of Right-of-Way area. Net area of business district which excludes existing Right-of-Way is 43.8 acres, more or less.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-733, accepting the recommendations of the Mid-town Incentive Review Committee for the following projects:

Nathan Burton dba EZ Parcel (1301 Broadway) for an outright grant of \$5,000;
Janice Moritz dba Warner's Office Equipment (1601 Broadway) for an outright grant of \$5,000;
Cory Sanders dba Cory Sanders & Company Real Estate (1400 and 1402-1404 Broadway) for an annual subsidy grant of \$4,721.50 for a term of 10 years.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1212, authorizing the sale of Lot 99 in Lake Paradise Subdivision to Michael and Mary Pat Pluta, current owners of a home on leased premises at Lot 99, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1859 Scenic Lane)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007 - 1212

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 99 IN LAKE PARADISE SUBDIVISION AND A PARCEL OF LAND ADJACENT TO LOT 99 TO MICHAEL AND MARY PAT PLUTA, CURRENT OWNERS OF A HOME ON LEASED PREMISES AT LOT 99, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (*COMMONLY KNOWN AS 1859 SCENIC LANE*)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2644, adopted April 4, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Michael & Mary Pat Pluta have made an offer to purchase the property for \$16,600.00; and

WHEREAS, Michael & Mary Pat Pluta own the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$16,600.00 was the fair market value of the real estate as of October 13, 2005, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised, has moved a gas line on the property and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Michael & Mary Pat Pluta, subject to a payment of \$16,600.00. The purchase price will be due at closing.

Section 2. The real estate to be conveyed pursuant to this ordinance is legally described as:

TRACT I

LOT NINETY-NINE (99) IN LAKE PARADISE SUBDIVISION, COLES COUNTY, ILLINOIS.

TRACT II

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WITH #3140 CAP MARKING THE SOUTHEAST CORNER OF LOT 99 OF LAKE PARADISE SUBDIVISION AS RECORDED AUGUST 19, 2005 IN PLAT BOOK 5, PAGE 204, AS DOCUMENT NUMBER 0683152 AT THE COLES COUNTY CLERK AND RECORDER'S OFFICE; THENCE AZIMUTH 181 DEGREES 05 MINUTES 11 SECONDS (AZIMUTHS BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE), 163.53 FEET TO AN IRON PIN WITH #3140 CAP; THENCE AZIMUTH 269 DEGREES 36 MINUTES 37 SECONDS, 248.53 FEET TO AN IRON PIN WITH #3140 CAP; THENCE AZIMUTH 0 DEGREES 46 MINUTES 21 SECONDS, 197.78 FEET TO AND IRON PIN WITH #3140 CAP IN THE SOUTH LINE OF SAID LAKE PARADISE SUBDIVISION; THENCE AZIMUTH 89 DEGREES 36 MINUTES 37 SECONDS ALONG SAID SOUTH LINE, 127.67 FEET TO AN IRON PIN WITH #3140 CAP IN THE WEST LINE OF SAID LOT 99; THENCE AZIMUTH 182 DEGREES 43 MINUTES 58 SECONDS ALONG SAID WEST LINE, 19.50 FEET TO AND IRON PIN WITH #3140 CAP AND THE SOUTHWEST CORNER OF SAID LOT 99; THENCE AZIMUTH 96 DEGREES 31 MINUTES 05 SECONDS ALONG THE SOUTH LINE OF SAID LOT 99 A DISTANCE OF 123.01 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN PARADISE TOWNSHIP, COLES COUNTY, ILLINOIS.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 17th day of April, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White
NAYS (Names): None
ABSENT (Names): None

Approved this 17th day of April, 2007.

/s/ Charles E. White
Charles E.

White, Mayor
Coles County, Illinois

City of Mattoon,

ATTEST: APPROVED AS TO FORM:
/s/ Susan J. O'Brien /s/ J. Preston Owen
Susan J. O'Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 18, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2007-1213, ratifying an employment agreement for Brian Johanpeter, Information Technology Director.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1213

**AN ORDINANCE RATIFYING THE APPOINTMENT OF BRIAN JOHANPETER TO THE POSITION OF
INFORMATION TECHNOLOGY DIRECTOR**

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The City Council hereby approves a job description for an Information Technology Director position, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The City Council hereby ratifies the City Administrator's appointment of Brian Johanpeter to the Information Technology Director position as well as an employment agreement, a copy of which is attached hereto and incorporated herein by reference.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner Schilling, adopted this 17th day of April, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 18, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-734, awarding the bids for water treatment chemicals of the Water Treatment Plant as follows:

General Chemical for Alum in the amount of \$32,910;
Ethanol Products for CO2 in the amount of \$8,000;
Norit for Carbon in the amount of \$50,130;
SAL Chemical for Polymer in the amount of \$23,010;
Ulrich for Chlorine in the amount of \$8,750;
Ulrich for Fluoride in the amount of \$7,840;
Brenntag for Ammonia in the amount of \$6,300;
and Carus for Polyphosphate blend in the amount of \$10,150.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2007-1214, adopting compensation plan for employees not covered by collective bargaining agreements.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1214

AN ORDINANCE ESTABLISHING THE 2007 - 2008 COMPENSATION PLAN FOR EMPLOYEES OF THE MUNICIPALITY

WHEREAS, negotiations have resulted in ratified agreements with the three collective bargaining agents that represent employees of the municipality that provide an average of three percent (3%) pay increases at the beginning of each fiscal year beginning May 1, 2006 and ending April 30, 2010; and

WHEREAS, each of these collective bargaining agreements provide that City Council will amend its ordinances consistent with terms of the collective bargaining agreements; and

WHEREAS, the time is now appropriate to also establish rates of pay for employees not represented by a collective bargaining agent effective with the fiscal year that began May 1, 2007.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Non-Confidential & FLSA Exempt Employees shall be compensated in accordance with the schedule attached to this ordinance and marked Appendix A, which is consistent with the salary increases contained in the City's current collective bargaining agreements. Employees assigned to positions identified on the Schedule of Confidential & FLSA Exempt Supervisory & Management Positions shall receive an average salary increase of 3% as outlined in Appendix B effective May 1, 2007.

Section 2. To the extent this ordinance conflicts with prior ordinances establishing a compensation plan for the City's employees, the prior ordinances shall control except where specifically amended by this ordinance.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner Schilling, adopted this 17th day of April, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
 Commissioner McKenzie, Commissioner Schilling,
 Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 18, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1215, authorizing the Mayor to sign a TIF grant agreement reimbursing Meyer-Wortman Development L.L.C. for 45% or up to \$46,000 of the Incremental Property Taxes for a car wash at 1713 Marshall Avenue and 604 Lake Land Boulevard in the Midtown TIF District.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1215

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND MEYER-WORTMAN DEVELOPMENT L.L.C. IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, MEYER-WORTMAN DEVELOPMENT L.L.C. (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 17th day of April, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 17th day of April, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 18th, 2007.

EXHIBIT "A"

GRANT AGREEMENT

This Grant Agreement is made this _____ day of April, 2007, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the "Grantor"), and Meyer-Wortman Development L.L.C. of P.O. Box 217, Effingham, Effingham County, Illinois, (hereinafter the "Grantee"), as follows:

1. Grantor does grant unto Grantee an amount to be determined by the formula outlined in Paragraph 2 below up to a maximum of Forty Six Thousand Dollars (\$46,000.00), to be disbursed as hereinafter described, subject to the following terms and conditions:

A. It is agreed and understood that this grant shall be for the sole purpose of the building demolition and redevelopment at 1713 Marshall Ave. and 604 Lake Land Blvd., Mattoon, Coles County, Illinois. The plans include the demolition of the existing residence located at 1713 Marshall Avenue and the former filling station/convenience store located at 604 Lake Land Blvd. The existing structures will be replaced with a new car wash facility featuring 2 automatic bays and 3 manual bays. This grant is specifically contingent upon the undersigned first receiving initial design approval from the City. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved demolition and redevelopment work shall remain the same and not be substantially changed without prior written consent of the City within 10 years of completion of the same, which covenant shall survive the payment of the grant and remain obligatory unto the parties herein whether or not they retain control of the property or transfer the same to a third party within said 10 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of redevelopment for said 10-year period. Said prohibition upon a substantial alteration of said demolition and redevelopment does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to area restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant to be in default, to cease all future payments due hereunder, and shall rescind the grant. Though the City of Mattoon retains approval authority and oversight responsibility for the demolition and redevelopment program discussed herein, it is not responsible for the destruction or construction of the same nor for the payment of the same. Accordingly, the Grantee hereby agrees to assume all responsibility for any damages or claims for damages as a result of any injuries or claims for injuries for said demolition and redevelopment construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the Grantee, or other third parties.

B. It is agreed and understood that the grant shall be for the purpose of replacing the buildings at 1713 Marshall Avenue and 604 Lake Land Blvd. Mattoon, Coles County, Illinois with a new car wash facility featuring 2 automatic bays and 3 manual bays.

C. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual demolition/construction cost of work and the incremental property received by the City, but shall not exceed Forty Six Thousand Dollars (\$46,000.00) as determined by the City's authorized agent.

D. Said grant is to be used solely for the following described real estate, commonly known as 1713 Marshall Avenue and 604 Lake Land Blvd., Mattoon, Illinois, but more specifically described as:

Lots Five (5) and Six (6) Block Two Hundred and Six (206) in the Original Town of Mattoon, commonly known as 1713 Marshall and 604 Lake Land Blvd.

E. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.

2. The Grant amount shall be forty-five percent (45%) of the incremental real estate taxes received on the properties indicated in Paragraph D above each year, for a period of ten years, up to a cumulative maximum amount of Forty-Six Thousand Dollars (\$46,000). The annual payment shall be calculated as follows:

A. Each year the current years equalized assessed value (EAV) shall be subtracted from the equalized assessed value at the time of the signing of this agreement (herein agreed to be \$68,130 for both properties combined). This shall be the incremental equalized assessed value (IEAV).

B. The IEAV shall then be multiplied by the current years total tax rate as applied to the properties. This shall be the incremental real estate taxes.

C. The IRET shall be multiplied by forty-five percent (.45) and that amount shall be paid to Grantee.

3. Grantor shall pay the percentage indicated above in annual partial payments. These payments shall begin on September 1, in the year following the completion of all the demolition/redevelopment work and said annual payments shall continue to be paid on each September 1st thereafter up to a total period of ten years.

4. Grantee does hereby guarantee and covenant that it will apply the grant money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant. and shall be entitled to recover from Grantee any and all grant moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant made herein is pursuant to a Council Decision Request approved by the City Council of the City of Mattoon meeting in regular session on April 3, 2007.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business or businesses and that it is not its intention to use the grant money herein to construct the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that if the building is sold to a third party, then there shall be a rebate of the grant based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant amount already paid; if sold after one year from the date of this grant but within two years of the date of this grant, then there shall be a 50% rebate of the grant amount already paid; and if sold after two years from the date of this grant but within three years of the date of this grant, then there shall be a 25% rebate of the grant amount already paid. Further, Grantor and Grantee agree that if the business operation ceases for a period in excess of thirty days, and within ten years from the date of this grant, then Grantor's obligation to make continuing payments from the grant shall cease immediately and this agreement shall be null and void and of no further force and effect, and there shall be a rebate of the grant money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant, 50% after one year but within two years from the date of this grant, and 25% after two years but within three years of the date of this grant.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Midtown Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

Meyer-Wortman Development L.L.C.

CITY OF MATTOON, GRANTOR

/s/ Charles E. White
Charles E. White, Mayor

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White announced there would be no executive session.

Mayor White seconded by Commissioner McKenzie moved to adjourned at 8:13 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk